

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P803410/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/010282	International filing date (<i>day/month/year</i>) 15.09.2004	Priority date (<i>day/month/year</i>) 13.10.2003
International Patent Classification (IPC) or national classification and IPC F01D11/12, F01D11/22		
Applicant DAIMLERCHRYSLER AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-12 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-5 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-5</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-5</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-5</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	This report makes reference to the following document:		
	D1: US 5 785 493 A (OJIMA KAZUO ET AL) 28 July 1998 (1998-07-28)		
2	Document D1 is considered the closest prior art and discloses (the references between parentheses refer to that document; see the drawings):		
	a turbo-machine having a stator with an internal intake coating (5) and a rotor (3) inside the stator,		
	from which the subject matter of independent claim 1 differs in that:		
	the turbo-machine also has a device for the parallel displacement and rotation of the axis of rotation of the rotor about the axis of symmetry of the stator.		
2.1	The subject matter of claim 1 is thus novel (PCT		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p data-bbox="418 359 699 386">Article 33(2)).</p> <p data-bbox="418 457 1357 632">The current invention can therefore be considered to address the problem of "developing a turbo-machine in which the size of the gap between the stator and the rotor is minimised".</p> <p data-bbox="302 703 1300 877">2.2 The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:</p> <p data-bbox="418 949 1373 1178">the wear caused to the intake coating by the rotor blades is virtually uniform. This has the advantage that the rotor blades transfer less torque to the stator, resulting in less bending and compression of the rotor.</p> <p data-bbox="302 1249 1336 1373">2.3 Claims 2 and 3 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.</p> <p data-bbox="302 1444 1354 1619">3 Document D1 is considered the closest prior art and discloses (the references between parentheses refer to that document; see column 3, lines 29 and 30):</p> <p data-bbox="418 1690 1336 1871">a method for adjusting the stator and rotor of a turbo-machine, in which an intake coating is applied to the stator, said intake coating being at least partly worn away by the rotor.</p>

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>The subject matter of independent claim 4 differs therefrom in that:</p> <p>the rotor rotates about an axis of rotation which rotates in parallel displacement about the axis of symmetry of the stator.</p> <p>3.1 The subject matter of claim 4 is thus novel (PCT Article 33(2)).</p> <p>The current invention can therefore be considered to address the problem of "developing a method for adjusting the stator and rotor of a turbo-machine, the size of the gap between the stator and the rotor being minimised".</p> <p>3.2 The solution to this problem as proposed in claim 4 of the present application involves an inventive step (PCT Article 33(3)) for the same reasons as those provided in point 2.2 of this report.</p> <p>3.3 Claim 5 is dependent on claim 4 and therefore likewise meets the PCT requirements for novelty and inventive step.</p>